

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
OLD LADDER LITIGATION CO., LLC, as Litigation :
Designee on behalf of the Liquidation Trust, :

Plaintiff, :

vs. :

INVESTCORP BANK B.S.C., et al., :

Defendants. :
-----X

08 cv 0876 (RMB)(THK)

NOTICE OF MOTION

ELECTRONICALLY FILED

PLEASE TAKE NOTICE that, upon the accompanying declarations of Michael D. Brooks, Anthony W. Clark, David M. Conn, Daniel M. DiDomenico, John J. Dylik, Christopher Filardi, Bruce B. Fischer, Karen R. Garcell, Vincent J. Garcell, Edward W. Gericke, Timothy K. Lewis, Neal R. Martin, Lisa Pressler, John Remmers, Steven Richman, Christopher J. Stadler, Gary Stewart, Thomas J. Sullivan, Gregory W. Werkheiser, Eric J. Werner, and Michael S. Wong, the accompanying memorandum of law and all prior proceedings had herein, the defendants represented by counsel joining this Notice of Motion and the Opening Memorandum of Law in Support of Defendants' Joint Motions to Transfer Venue and to Dismiss the Complaint will move this Court before the Honorable Richard M. Berman, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, to transfer venue of these proceedings and to dismiss the complaint.

Dated: New York, New York
June 2, 2008

SKADDEN, ARPS, SLATE, MEAGHER
& FLOM LLP

/s/ William P. Frank
William P. Frank
(William.Frank@skadden.com)
Four Times Square
New York, New York 10036
(212) 735-3000
and
Anthony W. Clark
(Anthony.Clark@skadden.com)
One Rodney Square
P.O. Box 636
Wilmington, Delaware 19899
(302) 651-3000
Counsel for Investcorp Entity Defendants
and Investcorp Director Defendants

MORRIS, NICHOLS, ARSHT
& TUNNELL LLP

By: _____
Gregory W. Werkheiser
1201 North Market Street, P.O. Box 1347
Wilmington, Delaware 19899-1347
Counsel for Loughlin Meghji & Co., Inc.

BURKHALTER KESSLER GOODMAN &
GEORGE LLP

By: _____
Thomas G. Kelch
2020 Main Street, Suite 600
Irvine, CA 92614
Counsel for Garcell 1997 Unitrust dated
12/19/1997, Vincent J. Garcell Living Trust
and Vincent J. Garcell

LATHAM & WATKINS LLP

By: _____
Marc W. Rappel
633 West Fifth Street, Suite 4000
Los Angeles, CA 90071-2007
Counsel for Leonard Green & Partners, L.P.;
LGP Management, Inc.; Green Equity
Investors III, L.P.; Werner Co-Investment
LLC; Peter Nolan; Michael Wong

COHEN & GRIGSBY

By: _____
Larry K. Elliott
David F. Russey
11 Stanwix Street, 15th Floor
Pittsburgh, PA 15222-1319
Counsel for persons listed on Exhibit A

SIMPSON THACHER & BARTLETT LLP

By: _____
Bruce D. Angiolillo
David J. Woll
Daniel J. Paisley
425 Lexington Avenue
New York, NY 10017-3954
Counsel for Dennis Heiner, Steven R. Bentson,
Peter R. O'Coin, and the Heiner Family Trust.

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By: _____
Marc W. Rappel / *Robert Keyman*
633 West Fifth Street, Suite 4000
Los Angeles, CA 90071-2007
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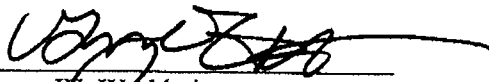
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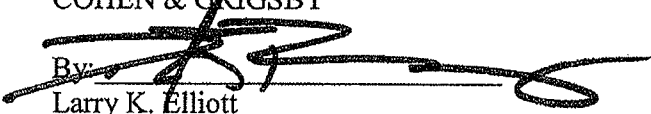
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Pittsburgh, PA 15222-1319
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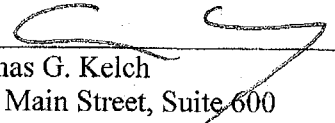
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David F. Russey
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Pittsburgh, PA 15222-1319
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New York, NY 10017-3954
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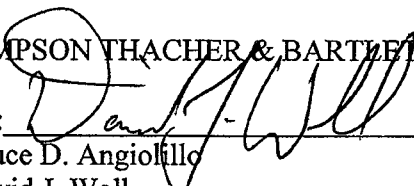
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Los Angeles, CA 90071-2007
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COHEN & GRIGSBY

By: _____
Larry K. Elliott
David F. Russey
11 Stanwix Street, 15th Floor
Pittsburgh, PA 15222-1319
Counsel for persons listed on Exhibit A

SIMPSON THACHER & BARTLETT LLP

By:  _____
Bruce D. Angiolillo
David J. Woll
Daniel J. Paisley
425 Lexington Avenue
New York, NY 10017-3954
Counsel for Dennis G. Heiner, Steven R.
Bentson, Peter R. O'Coin, and the Heiner
Family Trust.

CRAVATH, SWAINE & MOORE LLP

By: *Richard Levin*
Richard Levin
Thomas G. Rafferty
Robert H. Trust
Worldwide Plaza
825 Eighth Avenue
New York, NY 10019-7475
Counsel for Steven Richman and John
Remmers

LEVI LUBARSKY & FEIGENBAUM LLP

By: _____
Howard B. Levi
1185 Avenue of the Americas, 17th Floor
New York, NY 10036
Counsel for Murray Devine & Co., Inc.

PEPPER HAMILTON LLP

By: _____
Kenneth J. King
The New York Times Building
620 Eighth Avenue, 37th Floor
New York, NY 10018-1405
(212) 808-2703
Counsel for Michael D. Brooks; David M.
Conn; John J. Dylick; Christopher Filardi;
Bruce B. Fisher; Larry V. Friend; Edward W.
Gericke; Timothy Lewis; Neal R. Martin

NIXON PEABODY LLP

By: _____
Joshua J. Larocca
437 Madison Ave.
New York, NY 10022
(212) 940-3191
Counsel for Karen Lynn Moseska

KENNEDY JOHNSON GALLAGHER, LLC

By: _____
Peter Gallagher
99 Wall Street
New York, NY 10005
(212) 248-2230
Counsel for Gary L. Stewart; Stewart
Charitable Remainder Unitrust (Gary Stewart,
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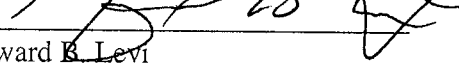
FOLEY & LARDNER LLP

By: _____
Peter N. Wang
Sandra A. Chiocchi
90 Park Avenue
New York, NY 10016
(212) 682-7474
Counsel for Anne L. Werner Residuary Trust –
EX (Timothy F. Burke – Trustee); Anne L.
Werner Residuary Trust (Timothy F. Burke –
Trustee); Edward A. Pollack; Edward A.
Pollack, POA Marc L. Werner; Elizabeth W.
Ackerman Trust DTD 12/18/67 (Jeffrey R.
Ackerman Successor Trustee); Jeffrey R.
Ackerman; Matthew W. Weiss; The Estate of
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825 Eighth Avenue
New York, NY 10019-7475
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New York, NY 10018-1405
(212) 808-2703
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KENNEDY JOHNSON GALLAGHER, LLC

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Peter Gallagher
99 Wall Street
New York, NY 10005
(212) 248-2230
Counsel for Gary L. Stewart; Stewart
Charitable Remainder Unitrust (Gary Stewart,
Trustee); Stewart Charitable Remainder
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Ilene Stewart; Suzanne Rosen; Novak
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Alyce Novak

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Sandra A. Chiocchi
90 Park Avenue
New York, NY 10016
(212) 682-7474
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Werner Residuary Trust (Timothy F. Burke –
Trustee); Edward A. Pollack; Edward A.
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New York, NY 10019-7475
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The New York Times Building
620 Eighth Avenue, 37th Floor
New York, NY 10018-1405
(212) 808-2703
Counsel for Michael D. Brooks; David M. Conn; John J. Dylick; Christopher Filardi; Bruce B. Fisher; Larry V. Friend; Edward W. Gericke; Timothy Lewis; Neal R. Martin; Lisa A. Pressler

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KENNEDY JOHNSON GALLAGHER, LLC

By: _____
Peter Gallagher
99 Wall Street
New York, NY 10005
(212) 248-2230
Counsel for Gary L. Stewart; Stewart Charitable Remainder Unitrust (Gary Stewart, Trustee); Stewart Charitable Remainder Unitrust (Ilene Stewart, Trustee); Estate of Ilene Stewart; Suzanne Rosen; Novak Partnership (Alyce Novak, Trustee); Estate of Alyce Novak

FOLEY & LARDNER LLP

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(212) 682-7474
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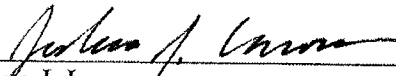
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EXHIBIT A

1. ACHENBACH, DONALD E.
2. ALLIGATOR PARTNERS, L.P. (HOWARD SOLOT AND JANET SOLOT - GENERAL PARTNERS)
3. ALTER, MINDY WERNER
4. BASILOTTA, LEE L.
5. BERK-RAUCH, ELI
6. BERK-RAUCH, ELLEN
7. BERK-RAUCH, HANNA
8. BERK-RAUCH, NOEL
9. BLACKMAN, GAIL RAUCH
10. BLACKMAN, HEATHER
11. BONTE, ALESSANDRA (Minor)
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13. BONTE, MARGARET
14. BONTE, RICHARD
15. BONTE, VERA
16. DOWLER, HENRY W.
17. FROST, ELISE W.
18. FROST, IRA AND ELISE FAMILY LIMITED PARTNERSHIP (ELISE FROST — GENERAL MANAGING PARTNER)
19. GELLIS, BRAD J.
20. GENIS, VINCENT
21. GOLDBLATT, J. DAVID
22. GOLDBLATT, JUNE
23. GRIFFITH, PAULA J.
24. JOHNSON, DENNIS J.
25. JOUBERT, JESSICA
26. JOUBERT, LINDA
27. HAZLETT, WILLIAM
28. DEBORAH KAPLAN TRUST

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29. KAPLAN, JEREMY
30. JUDITH KAPLAN TRUST (C/O LESLIE EVERS)HYY
31. KAPLAN, JULIA (Minor)
32. KAPLAN, KARRAH
33. KAPLAN, RACHAEL
34. KARP, ALLISON TYLER (Minor)
35. KARP, MARSHA BETH
36. KARP, MELISSA S. (Minor)
37. KATZ, BETH
38. KELLY, RICHARD
39. KOERNER, GEORGE
40. KRANE, CARLEY
41. KRANE, JASON
42. KRANE, MARLANE
43. MASON, ERIC A.
44. MCGOWAN, DAVID
45. MEIKLE, WENDY
46. MORROW, SUSAN
47. PINNEY, ROBERT
48. NEEDHAM, BEVERLY WERNER
49. SHIRLEY W. RAUCH TRUST (STANLEY RAUCH, AND
MARLANE KRANE – TRUSTEES)
50. RANKELL FAMILY TRUST
51. RAUCH TRUST (ALEENA SHAPIRO– TRUSTEE)
52. RICHMOND DRIVE ENTERPRISES, L.P. (RICHARD
WERNER AND ELISE FROST– GENERAL PARTNERS)
53. RIPPIN, WILLIAM J.
54. ROSATI, RICHMOND I. (Minor)
55. ROSATI, ROBERT A.
56. ROSATI, RONI S.
57. ROSATI, ROSS DANIEL (Minor)
58. ROSATI, RYAN GREGORY
59. ROTHMAN, DEBRA A.

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60. ROTHMAN, JORDANA
61. ROTHMAN, JOSHUA J.
62. ROTHMAN, KEVIN M.
63. SCHWARTZ, ELISSA **NOW ELISSA RIOUX**
64. SCHWARTZ, SUZANNE
65. SOLOT, HOWARD L.
66. SOLOT, JANET F.
67. SOLOT, MICHAEL
68. TRZYNKA, MICHAEL
69. WEINER, MAURICE
70. WERNER, ASHLEY ELIZABETH
71. WERNER, BARBARA L.
72. WERNER, BARBARA L. AND WERNER DONALD M.
73. WERNER, BRUCE D.
74. BRUCE D. WERNER TRUST (BRUCE WERNER - TRUSTEE)
75. WERNER, BRUCE D. FAMILY LIMITED PARTNERSHIP
(BRUCE WERNER - MANAGING GENERAL PARTNER)
76. WERNER, CRAIG
77. WERNER, CRAIG R. FAMILY LIMITED PARTNERSHIP
(CRAIG WERNER - GENERAL PARTNER)
78. CRAIG R. WERNER TRUST
79. WERNER, DONALD M.
80. WERNER, ERIC
81. WERNER, FLORENCE J.
82. FLORENCE J. WERNER IRREV. TRUST DATED 10/7/94
(RONALD WERNER, MARC WERNER AND MICHAEL
WERNER - TRUSTEES)
83. WERNER GC TRUST FOR ERIN JOY RYAN (BEVERLY
WERNER NEEDHAM - TRUSTEE)
84. WERNER GC TRUST FOR SHANNON ROSE RYAN
(BEVERLY WERNER NEEDHAM —TRUSTEE)
85. WERNER, ISABELLE (Minor)
86. WERNER, JEFFREY ADDISON

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87. JONATHAN C. WERNER GIFT TRUST U/A/D/ 11/1/96
(JEFFREY WEISMAN - TRUSTEE)
88. LAURA W. WERNER REVOCABLE TRUST, U/A/D 1/2/96
(LAURA WERNER - TRUSTEE)
89. LOIS S. WERNER REVOCABLE TRUST
90. MARGOT A. WERNER GIFT TRUST U/A/D 11/1/96 (LAURA
WERNER - TRUSTEE)
91. WERNER, MARC L.
92. MARC L. WERNER IRREVOCABLE TRUST
93. WERNER, MELANIE
94. WERNER MICHAEL E.
95. MICHAEL E. WERNER REVOCABLE TRUST, U/A/D 12/96
(MICHAEL WERNER - TRUSTEE)
96. WERNER, RICHARD L.
97. RICHARD L. WERNER REVOCABLE TRUST
98. WERNER, ROBERT I.
99. ROBERT I. WERNER IRREV. TRUST DATED 8/30/94
(RONALD WERNER – ADMINISTRATIVE TRUSTEE)
100. WERNER, RONALD E.
101. WERNER, SOPHIA (Minor)
102. STEPHANIE N. WERNER GIFT TRUST U/A/D 11/1/96
(JEFFERY WEISMAN – TRUSTEE)
103. WERNER, TAMMY H.
104. WERNER-ALTER, LLC (MINDY WERNER ALTER -
MANAGER)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

Kenneth J. Horrmann, being duly sworn, deposes and says:

1. I am not a party to the action, am over 18 years of age and am employed by
Skadden, Arps, Slate, Meagher & Flom LLP, Four Times Square, New York, NY 10036.

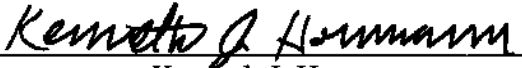
2. On June 2, 2008, I served the following:

- *Notice of Motion,*
- *Opening Memorandum of Law in Support of Defendants' Joint Motions to Transfer Venue and to Dismiss the Complaint,*
- *Declaration of Michael D. Brooks,*
- *Declaration of Anthony W. Clark,*
- *Declaration of David M. Conn,*
- *Declaration of Daniel M. DiDomenico,*
- *Declaration of John J. Dylik,*
- *Declaration of Christopher G. Filardi,*
- *Declaration of Bruce B. Fischer,*
- *Declaration of Karen R. Garcell,*
- *Declaration of Vincent J. Garcell,*
- *Declaration of Edward W. Gericke,*
- *Declaration of Timothy K. Lewis,*
- *Declaration of Neal R. Martin,*
- *Declaration of Lisa A. Pressler,*
- *Declaration of John M. Remmers,*
- *Affidavit of Steven P. Richman,*
- *Declaration of Christopher J. Stadler,*
- *Declaration of Gary Stewart,*
- *Declaration of Thomas J. Sullivan,*
- *Declaration of Gregory W. Werkheiser,*
- *Declaration of Eric J. Werner; and*
- *Declaration of Michael S. Wong*

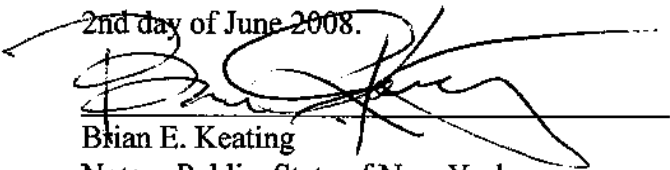
by first-class mail by depositing same in a post-paid properly addressed envelope, in an official
depository under the exclusive care and custody of the U.S. Postal Service within the State of
New York upon:

Kevin C. Walz
8045 Bainbrook Drive
Chagrin Falls, OG 44023

David A. Cardillo
23 St. Glory Road
Greenville, PA 16125


Kenneth J. Horrmann

Sworn to before me this
2nd day of June 2008.


Brian E. Keating
Notary Public, State of New York
No. 01KE5009535
Qualified in Westchester County
Certificate Filed in New York County
Commission Expires March 15, 2011